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THOMAS G BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Michael Widmer,
on behalf of all other
similarly situated inmates.
(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

12 C 7066
Judge Milton I. Shadur
Magistrate Judge Jeffrey Cole

Illinois Department of Corrections,
S.A. Godinez,
Marcus Hardy,
T. Engleson,
B. Barnes,

Unknown
(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Michael Widmer
- B. List all aliases: N/A
- C. Prisoner identification number: B-30985
- D. Place of present confinement: NRC
- E. Address: P.O. Box 112, Joliet IL 60434

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

- A. Defendant: Illinois Department of Corrections
Title: State Government Agency
Place of Employment: State of Illinois

- B. Defendant: SA Godinez
Title: Director
Place of Employment: Illinois Department of Corrections

- C. Defendant: Marcus Hardy
Title: Warden
Place of Employment: Illinois Department of Corrections - Joliet

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D, Defendant, Engleson, Tracy

Title, Superintendent of NRC

Place of Employment, Illinois Department of Corrections

E. Defendant, B Barnes

Title, Correctional Counselor at NRC

Place of Employment, Illinois Department of Corrections

F. Defendant, unknown

Title Deputy Director - Northern District of Illinois

Place of Employment - Illinois Department of Corrections

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A Unknown. Never have
I filed a complaint deemed frivolous.
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: _____

- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: _____

- G. Basic claim made: _____

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): _____

- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

- 1) On July 25th, 2012, I was transferred to Stateville's Northern Reception Center (hereinafter NRC) in Joliet Illinois, on a court writ.
- 2) NRC is a facility within the Illinois Department of Corrections, (hereinafter IDOC).
- 3) NRC was designed and built for the purpose of temporarily housing inmates who are entering into IDOC to begin a sentence.
- 4) The length of time inmates were anticipated to remain housed at NRC, while being processed and classified is approximately 7 to 14 days.
- 5) NRC was constructed without electrical outlets in the cells.
- 6) Due to prison over crowding, Defendant Godinez authorized Defendant unknown to authorize Defendants Hardy and Engleson, to house inmates who have violated parole or are on indefinite court writs.
- 7) It is the policy of Defendants Hardy and Engleson to not allow inmates at NRC to possess their personal property including a fan, razor, typewriter or any audio visual equipment.
- 8) It is the policy of

Defendants Hardy and Engleson to confine all inmates to cells randomly with other inmates regardless of classification. 9) For example, inmates from maximum security disciplinary segregation are celled with minimum security general population. 10) All inmates at NRC are confined to their respective cells 24 hours per day, 7 days per week, except to be offered a 10 minute shower and 4 hours of exercise one day per week. 11) Some prisoners at NRC are held for a continued period exceeding 1 year. 12) The conditions we as prisoners at NRC have and are forcibly subjected to live under include but are not limited to, inadequate ventilation, unsanitary cells, rodent infestation and excessive noise levels. 13) Inmates are denied cleaning supplies completely. 14) Inmates are deprived a nutritionally adequate diet as is required by laws defined by the Food and Drug Administration's recommended daily allowances of nutrition as set forth in the IDOC's master menu.¹⁵ Food servings are approximately 1,300 to 1,500 calories per day. 16) Food is constantly under cooked and raw potatoes are served almost daily. 17) Even IDOC inmates in maximum security segregation

are afforded hygiene products and their audio/visual privileges after 60 days. 18) Inmates at NRC are afforded no opportunity to attend any type of orientation, programs, religious services or to purchase items from the commissary. 19) I have repeatedly stated "inmates" during this complaint. I want to make it clear that inmates or prisoners was intended to mean myself as well as all other similarly situated inmates. 20) I assert that between 7-25-12, and 8-30-12, I was forcibly subjected to live under the aforesaid conditions and with a toilet that would not flush from 7-25-12 until 8-15-12 and with another inmate named Wilkinson in the cell. As a result of the stench as well as conditions described herein, I suffered extreme nausea, headaches, weight loss, anxiety, sleep deprivation, mental and emotional anguish and had to be given medical as well as mental health treatment for symptoms which occurred as a direct and proximate result of the continued confinement of said conditions. 21) I requested relief from Defendants Barnes and Engleson in person and in writing. 22) All requests for relief were denied by defendants. I filed multiple grievances which were denied, or simply not returned. 23) I have made attempts to exhaust administrative remedies.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I seek from defendants in their individual as well as official capacities Monetary compensation in the sum of \$100,000 individually and collectively. I seek from the court a declaratory order and a judgement for punitive damages from defendants Hardy and Engleson in the sum of 200,000 each. I also request a hearing be set for injunctive relief so that I will not continue to be injured by defendants.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 30th day of Aug., 2012

Michael L Widmer

(Signature of plaintiff or plaintiffs)

Michael Widmer

(Print name)

B30985

(I.D. Number)

NRE, PO Box 112

Joliet IL 60434

LCC 10930 Lawrenceville Road, Summer IL 62466

(Address)